

Paper No. 28

## UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

MAILED

N 19 2003

AT & TM OFFICE  
OF PATENT APPEALS  
AND INTERFERENCES

---

Ex parte NEIL FREDERICK BRANDER  
and  
ANDREW JOHN ZELENKA

---

Application No. 08/976,159

---

ORDER RETURNING UNDOCKETED APPEAL

---

This application was received at the Board of Patent Appeals and Interferences on May 23, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below.

On February 19, 2002, appellants filed a Notice of Appeal (Paper No. 20) "from the decision of the Examiner made in the Final Office Action dated October 29, 2001 finally rejecting claims 1-9 and 12-36." The Office communication mailed August 19, 2002 (Paper No. 23) stated that:

cation 08/976,159

1. claims 1-9, 12-13, 21-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over The Depository Trust Company (DTC) in view of Hawkins;

2. claims 14-17 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over DTC in view of Lupien; and

3. claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DTC in view of Lupien as applied to claim 14 above and further in view of Hawkins.

Appellants reiterated these grounds of rejection on page 3 and 4 of their Supplemental Appeal Brief filed November 25, 2002 (Paper No. 24). In the Examiner's Answer mailed January 31, 2003 (Paper No. 25), however, the examiner lists the following rejections:

1. claims 1-9, 12-13, 21-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over DTC in view of Hawkins; and

2. claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over DTC in view of Lupien as applied to claim 14 above and further in view of Hawkins.

It should be noted that the examiner fails to discuss the rejection of claims 14-17 and 19-20. Appropriate correction is required.

Accordingly, it is

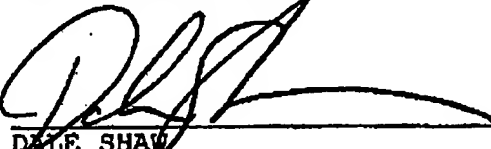
ORDERED that the application is returned to the Examiner for a determination regarding the rejection of

ation 08/976,159

ms 14-17 and 19-20, written notification to appellants  
arding the action taken, and for such further action as may  
appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:



DALE SHAW  
Program and Resources Administrator  
(703) 308-9797

cc: Kenyon & Kenyon  
One Broadway  
New York, NY 10004

ds/psb/lc  
RA030360